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Supreme Court, U.S.
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No. 02-1396

In The
Supreme Court of the United States

NAIDA B. AXFORD, ESQ.,

Petitioner,

vs.

ARIZONA SUPREME COURT, and the STATE BAR OF ARIZONA, and the STATE BAR FOUNDATION,

and

THE NINTH CIRCUIT COURT OF APPEALS,

Respondents.

MARK G. SANCHEZ and the PEOPLE OF ARIZONA,

Parties in Interest.

On Petition For Writ Of Certiorari To The Supreme Court Of Arizona

SUPPLEMENTAL BRIEF

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I. INTRODUCTION

On May 1st, 2003, a Phoenix ***New Times*** reportor published an expose (Vol. 34, Number 18). The article, covering law enforcement efforts to apprehend community toleration of polygamy (involving sexual offenses against minors) after over 50 years of non-prosecution in Colorado City, Arizona, brings new evidence to the inquiry before this Court. The corruption of state governmental power by religious-affiliated racqueteering is at the heart of this case and controversy.

Over the entire United States, the legal profession is in grave disrepute.[1] Over a decade ago the Court defined the parameters of bar association;[2] SUPREME COURT OF

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[1] Contempt for law is the beginning of anarchy. Judicial Notice is invoked re profound disrespect towards legal processes and professionals. *Muller v. Oregon*, 208 U.S. 412, 421 (1908).

[2] *Keller v. The State Bar of California*, 496 U.S. 1, 110 S.Ct. 782 (1997). *Respondents utilize a scheme of Bar association design* ***and financial management*** *compelling the use of client funds, financing the organization through "mandatory" continuing legal education seminar/literature dollars, and tying licensure to association membership regardless of First Amendment objections.* As is obvious from Petitioner's plight, any lawyer who refuses to be part of this illegal scheme will be separated from office, defamed, "disciplined" in *quasi-criminal* star chamber proceedings occupying year after year of suspicion, harassment, and distraction and interruption of the true focus of professional service. The STATE BAR OF ARIZONA has no legal status. The statute creating STATE BAR OF ARIZONA and its integration has been repealed. This Emperor, mandated to govern the very principles which it had been violating, has no clothes. Without its fraud upon the public (as well as its "members"), lawyers would not only be able to choose to belong; the public would not endure the wrong of turning to this straw organization to seek aid. State of Arizona officials are all members of the STATE BAR OF ARIZONA which prevents them from attacking the "mother ship." SUPREME COURT

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ARIZONA has not taken heed. In fact, STATE BAR OF ARIZONA illegally retains power despite repeal of enabling legislation[3] **and** termination of its corporate status.[4] SUPREME COURT OF ARIZONA, STATE BAR OF ARIZONA, and ARIZONA BAR FOUNDATION, conspiring to prevent the legal consequences of statutory and case law concerning themselves, have harmed AXFORD in order to silence her and prevent the discovery of lawlessness by the guardians of law.[5] Reconsideration of *Bates and O'Steen v. State Bar of Arizona*,[6] 429 U.S. 1059, 97

OF ARIZONA is relying upon illicit income as dues to preserve its control over attorneys. Attorney General of Arizona has done nothing to prevent the perpetration of this fraud. It is not only unethical pursuant to any interpretation of professional integrity; it is perpetuated by a closed system anathema to the Constitutional Convention of Arizona.

[3] Formerly Arizona Revised Statutes Section 32-201 et seq. Repealed 1985.

[4] *Bridegroom v. State Bar of Arizona*, 27 Ariz. App. 47, 550 P.2d 1089 (1976).

[5] AXFORD has progressed through the hierarchy of proceedings; her approach has continued to be peaceful and nonadversarial despite the repeated attacks by SUPREME COURT OF ARIZONA and STATE BAR OF ARIZONA. STATE BAR FOUNDATION, holding itself out to the bar and public (on business cards, the lobby marquis, and publications) as lawful entities. STATE BAR FOUNDATION has taken over IOLTA accounts as well as impinged upon rights of members and the public by unauthorized intrusion and participation in the disciplinary process.

[6] Utilizing advertised employment law trial advocacy by the Law Offices of Van O'Steen was a part of the steps AXFORD took to have her transition out of private practice. The O'Steen practice had advertised in *Arizona Attorney*, the official publication of STATE BAR OF ARIZONA. O'Steen's firm represented to the People (and to Arizona bar members) there was trial attorney assistance available to provide "an expert team." After weeks of having the files for evaluation and review, AXFORD was told that in no way would the firm agree to take a case if it **did not collect money within the first ninety days**. No one had

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S.Ct. 782 (1977), will not only bring SUPREME COURT OF ARIZONA into conformance with Federal Constitutional standards; upon a complete hearing of the facts, the United States Supreme law of the land will form and enforce the bases of balancing First Amendment guarantees within new, clean precepts for ethics in the occupation, professionalism and advertising practices of attorneys serving the public as State and Federal licensed advocates. The scandals, puffery, overzeal, impropriety, and fraud utilized to corral clients is having a staggering impact upon the economic well-being of our nation, and must be submitted to rigorous standards.[7] The Highest Court must restore balance, and send an unequivocal message to our country's legal professionals.[8] The office of

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read the files. The lawyer "advertised" as the firm's "employment expert" was not only unavailable and unprepared; when AXFORD mentioned the effect of the (then) new discovery Rule 26 and its effect upon practice, the figurehead "politician" lawyer actually said, **"What's Rule 26?"**

[7] Congressional action is only beginning. The court is well aware of the issues, and addressed "the elephantine mass of asbestos cases," a prime example/source of *Bates* First Amendment freedom gone bad. Taylor, Stuart, Jr. quotes the Court in, "Greedy Lawyers Cheat Real Asbestos Victims," *National Journal, October 1, 2002.*

[8] The freedom to advertise was never intended to permit defrauding the public. The second effect has been the elimination of sole practitioners and smaller law firms whose economic survival in community-based (family, school, civil rights, real estate landlord tenant and property sales, probate, wills and trusts, etc.) work relied upon tort (typically automobile collision) representation. When the large advertising law firms gave the impression of their superiority (including service reliability) a complete genre of important contributors to legal service was lost. These lawyers, like fire plugs poised and distributed at the corner of many community blocks, stood ready and able to supply necessary advocacy. Today, when individuals (like MARK G. SANCHEZ) and families need advocacy in matters which do

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every attorney in Federal practice is tied to the licensure scheme of States. This design elevates the issues to appropriate consideration and setting of enforceable standards.[9]

The People[10] of Arizona, and throughout the Nation should have access to truthful representation of the legal

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not generate a contingency fee; no one remains to be found. The fires of unlawfulness rage, and there are no working hydrants.

[9] Regulation of the "practice of law" has been left to the States pursuant to their police power. See Supplemental Brief arising out of this delegation of Federal power. State licensing practices are acting without protection of the Federal Office of the Courts such as Administrative Office of the Courts established by Congress.

[10] Parties In Interest constitutes the application of the doctrine of private lawyers acting as private attorney generals advancing claims on behalf of the public. This principle, long utilized in employment and civil rights cases suggests and emphasizes the importance of prosecution of claims on behalf of the general public. AXFORD, a litigator with "Brand Identification," had advanced interests important to public interest advocacy. See *Harris v. Arizona Board of Regents*, 528 F. Supp. 987 (Dist. of Ariz., 1981); *Longs Drug Stores v. Howe*, 134 Ariz. 424, 657 P.2d 412 (1983); *Kinney v. International Brotherhood of Electrical Workers*, (9th Circuit); *Sipe v. Fritz*, 43 B.R. 984 (D.C. Ariz. 1984); *Wagensheller v. Scottsdale Memorial Hospital*, 147 Ariz. 370, 710 P.2d 1025 (1985); *Broomfield v. Lundell*, 159 Ariz. 340, 767 P.2d 697 (1988); *Tingey v. Pixley-Richards West, Inc.*, 953 F.2d 1124 (9th Cir. 1992); *Mullins v. Southern Pacific Transportation Co.*, 174 Ariz. 540, 851 P.2d 839 (1992). Parties In Interest as a class are represented by those identified as having sought legal representation by AXFORD during the time of the unlawful suspension(s), and who wanted to have her unique identifiable approaches to law, procedure, research, community-based advocacy and integrity. MARK G. SANCHEZ was unable to obtain an attorney. See Findings of Fact 33 found in Petition at App. 17. His ***pro se*** status in lower court proceedings created a clear vulnerability. SUPREME COURT OF ARIZONA, unsympathetic to his fate, ignored his claims of conflicts of interest (a status similar to many litigants) in spite of the importance of assistance of counsel to the protection of fundamental rights. See *Gideon v. Wainwright*, 372 U.S. 335, 83 S.Ct. 792 (1963).

services available from licensed advocates as well as access to practitioners who will serve in the variety of areas of law necessary to the middle, working class; elimination of puffery and perceived chicanery in public office will contribute to immediate restoration of confidence in those learned in the law.[11]

II. A POLITICAL PRISONER: IN THE NATURE OF *HABEAS CORPUS*

When NAIDA B. AXFORD, ESQ.'s legal acumen caused her to "smell a rat" in the heretofore hallowed halls of the STATE BAR OF ARIZONA, she became the object of repeated illegal retaliation. SUPREME COURT OF ARIZONA has imposed unlawful punishment. AXFORD, and others who have mastered the craft of public interest/private attorney generals, have paid dearly as lawyers who have appropriately challenged the governance of the profession.

After recent changes in political leadership, and for the first time in over 50 years, law enforcement of the State of Arizona are free to prosecute members of the Mormon religion. The failures in public safety of minors subjected to abuse through polygamous marriages (especially involving sexual relations with children) is explainable through the same web of Mormon religious penetration in state political, judicial and licensing processes. SUPREME COURT OF ARIZONA, the Arizona

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[11] Although it has become common parlance to use the words "lawyer" and "attorney" interchangeably, this is inaccurate and imprecise. "Lawyers" are those trained in law. "Attorneys" are empowered to speak/act in behalf of another.

Commission on Judicial Appointment, the "Disciplinary Commission of the Supreme Court," are so linked to Mormonism, its precepts, its members, its affiliations, networks and principles, AXFORD is being harmed by religious tests in violation of our United States Constitution. In Arizona religious association is obstructing judicial administration in violation of the United States Constitution, and in violation of laws prohibiting racqueteering, corruption and fraud in the education, appointment and retention of AXFORD and "governance" of the legal profession.

III. DECLARATION OF RIGHT TO PRACTICE[12]

Since her wrongful termination from licensure as an Arizona attorney February 11, 1997, Petitioner has moved forward to lawfully, peaceably, and honorably assert her rights in the face of toxic, demeaning, burdensome attack by the Court ably served. Instead of enforcing the Constitution of the United States, ARIZONA SUPREME COURT continues attempting to silence AXFORD as well as other seasoned Arizona master lawyers[13] who have been advocates under the civil rights statutes or raised appropriate questions concerning Court practices and STATE BAR OF

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[12] STATE BAR OF ARIZONA terminated the license of AXFORD and 99 other licensed attorneys in a summary Order, denying them the rudimentary due process protections known to have set the standard for property and liberty interests. SUPREME COURT OF ARIZONA is aware of these Constitutional infirmities; they were raised by AXFORD early in the proceedings. Respondents have no intention of complying voluntarily, and must be Ordered to do so.

[13] Disciplinary records to be supplied upon acceptance by the Court; due to volume, inclusion would be untoward.

ARIZONA. Why would the Attorney General of Arizona waive the State's most valuable right to appear?

SUPREME COURT OF ARIZONA is so egregiously violating the laws of the United States of America, its officials are hiding, hoping this Court will not discover the systematic, intentional and knowing, heinous mutilation of rights of the People in favor of Mormonism. The explanation is found by the close examination of the regional anomalies which are contaminating administration of justice, including AXFORD's licensure.[14]

IV. UNCONSTITUTIONAL RELIGIOUS TESTS IN ARIZONA

Settlement of the American Southwest has led to a peculiar quest for power.[15] The power over our system of justice, however, is *not* a commercial interest, and may not be unlawfully corrupted by the use of religious affiliations.

Article VI prohibits religious tests. It reads, in pertinent part:

> ... The Senators and Representatives before mentioned, and the Members of the several State Legislatures, *and all Executive and Judicial*

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[14] Since the date of her initial approach to STATE BAR OF ARIZONA, Mormon lawyers and judges have been involved in harmful action.

[15] Peter Wiley and Robert Gottlieb have documented the influences of Mormonism in *Empires of the Sun: The Rise of the New American West*, University of Arizona Press Tucson, Arizona, 1982; See also, Toleration Act of 1689; historical work of Mary Dyer; history of the religious tests doctrine dating back to Sir William Temple, and the Puritan influences in Colonial America.

> *Officers*, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; *but no religious Test shall ever be required as a Qualification to any Office. . . .* [***emphasis added***]

This provision arose after Puritans controlled ***the appointments*** by Town Councils. **The appointment and retention process of judicial officers, licensed attorneys and the regulatory scheme is permeated with members of the Mormon religion and their religious precepts, tenets, and officers who are members of the Church, which explains (1) advancement and proliferation of polygamy, (2) continued harassment of AXFORD, and (3) refusal of the judiciary to respond to complaints against judges, lawyers and others, as well as commercial compromise of legal ethics. The strength of the Mormon Church economically, politically and geographically is so extensive and pervasive as to contaminate both Constitutions, raze the State with lawlessness, bring the law into disrepute, and prevent the People of Arizona (Real Parties In Interest) from exercising rights in and through Federal and State courts.**[16] In the meantime, Petitioner is subjected to irreparable harm. AXFORD is entitled to the full force and protection of due process; her license

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[16] Evidence including financial involvement in banking, judicial appointment and retention process, university development and administration, law school education, real estate, law enforcement, state retirement program, and much more.

could not be "summarily suspended,"[17] and thus, the unconstitutionality of the original February 11, 1997 administrative suspension nullifies all subsequent punitive measures leveled against her.

The Court is hereby requested to make the following FINDINGS, OPINION AND ORDERS:

V. FINDINGS AND INTERIM ORDERS

1. NAIDA B. AXFORD, ESQ., a member in good standing of this UNITED STATES SUPREME COURT, pursuant to her sworn obligations and duty to uphold Constitutionally-based practices in both advocacy and personal life, has, in extraordinary and bold service to this court, the Country, and the People of the State of Arizona, brought to our attention wrongful conduct, procedures, and practices undermining the very foundations of law.

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[17] Requirement of hearing prior to the termination of a property right is fundamental, and not a novel legal principle. *Cleveland Bd. Of Education v. Laudermill*, 440 U.S. 532, 105 S.Ct. 1487, 1493 (1985) and its progeny. The establishment of the pre-termination hearing and its constitutional protections rise to a duty from which the Court must infer intentional and knowing violation of Petitioner's civil rights. A licensed attorney's reliance upon her license for her livelihood, and the public's reliance upon services of an attorney require the highest standard of care by SUPREME COURT OF ARIZONA. At the time of the summary suspension, AXFORD was AV rated as a sole practitioner (Martindale Hubbell) who had twice been recognized in Naisef's ***Best Lawyer's in America***, listings which evidence the highest reputation. Both publishers of legal directories determine rating or inclusion as a result of peer survey information. AXFORD, as a solo with an AV rating, was, in essence, an extremely rare species.

2. ARIZONA SUPREME COURT, by and through its Attorney General, by waiving any appearance, has advanced neither law nor facts to oppose the egregious facts brought to our attention.

3. MARK G. SANCHEZ and Real Parties In Interest, PEOPLE OF ARIZONA, are being harmed by the acts as alleged and hereby found by this Court, and the Court will, during the next judicial session issue a formal decision.

In the interim, it is hereby ORDERED:

SUPREME COURT OF ARIZONA is hereby ORDERED to immediately reinstate Arizona License Number 6292, with full privileges, absent any sanctions, fines, costs, money judgments, prerequisites or conditions, and bridging the date of licensure so as to insure there is no interruption of license, and formal notice thereof is to be sent within ten days of this Order to all persons or courts certified as having been mailed prior Orders and/or disciplinary actions, correcting distribution of these unconstitutional actions.

Respectfully submitted,

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